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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,022	11/30/2000	Masami Kato	35.C14963	9969

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NEW YORK, NY 10112

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,022

Applicant(s)

KATO ET AL.

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, 5-7, 9-14 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5-7, 9-14 and 16-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims have a limitation stating as "that the user continuously looked toward the display device for a period longer than a predetermined time". It is not clear as to what the phrase, "a period longer than a predetermined time" means since the claims elsewhere do not mention, "predetermined time" without which one of ordinary skill in the art would not ascertain the comparison.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5-7, 9-14 and 16-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligmann (USPN 6330022) in view of Hardy (USPN 6025870) and Lyons (USPN 6195104).

Regarding claims 1, 3, 5, 12 and 18, Seligmann teaches participants or conferees (100, 110, 120 130) of a video conference with each participant connected via a local network, wide area network or any other network structure (150) to a conference bridge (160) and a processor /server (170). Seligmann teaches the conference bridge receiving four separate video signals, one video signal for each conferee over respective links (102, 112, 122, 132). Seligmann teaches video processing circuitry with respect to each terminal (101, 111, 121 131) enabling the generation of a conference image (520). See col. 7, lines 14-31 and Fig 5. Seligmann teaches each participant uses its terminal as an intelligent communication device such as a terminal (101), which include a telephone, a personal computer, a camera and microphone. See col. 5, lines 51-58. Furthermore, Seligman teaches a conferee control system including the use of a

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network blackboard, which is a virtual space for conferees to make certain data, video or other entries that can be observed by other conferees. In addition, Seligmann teaches multimedia video conferencing in terms of distributed computer program as well as stored in memory and processor/server (170) or memory (441). See Fig. 6 and col. 1, lines 43-46. However, Seligmann does not specifically teach the use of a terminal device coupled with a server configured in the "main office". Seligmann does teach a scenario where each participant viewing the image of all participant including the view of self. See col. 5, lines 15-16.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize Seligmann's "self view" in a video conferencing which can be used to make all conferees of the conference viewable. One would have been motivated that the inclusion of "self view" along with the views of other participants is functionally equivalent the desired view seen in the main office. The use of "self view" in a video conferencing helps display all the images of the participants as taught by Seligmann.

Seligmann has been discussed above. However, Seligmann does not disclose "a control step of automatically changing the display of certain virtual space to a display of a virtual space for rest on the basis of the result in monitoring step so that the user in changed virtual space for rest can communicate with other users existing in common virtual space for rest". Hardy on the other hand teaches a videoconference system (1) including video switch (30), which performs switching operations and provides selected local video information for subsequent display on monitor (50). Hardy also teaches that the event information provided by a notification allows the videoconferencing system to determine when the switching should occur. See Fig 1.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify seligmann's video conferencing system to include Hardy's video switch along with event notification. One would have been motivated in view of the suggestion in Hardy that the video switch along with event notification is functionally equivalent to the desired controlling step including the monitoring step. The use of video switch helps function the process of videoconferencing as taught by Hardy.

Seligmann does not teach the automatic changing of the displayed virtual space of the user based on the physical condition of the user that is based on an image of the user picked up by the camera. Lyons teaches a system (50) including a video display screen (54) that is located in front of an interaction area (52) where system users (62) stand. Lyons teaches the use of video camera (56) electronically reading the images of users (62) and interactive area (52), creating video signals corresponding to these images, and providing the video signals to a computer (58). See col. 6, lines 54-67 and Fig. 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seligmann's videoconferencing to adapt Lyons' use of camera (56) with respect to users (62) and interactive area (52). One would have been motivated in view of the suggestion in Lyons that the use of camera (56) along with users (62) and interaction area (52) as configured in Fig. 3 can be equivalently used to meet the desired changing of displayed virtual space of the user based on the physical condition of the user. The use of a camera with respect to users and interaction area helps function a system with Multi-user video conferencing.

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Regarding claims 10 and 17, Seligmann teaches events occurring during a set-up and during the conference with each participant making their own selection and an image being created of a virtual conference space.

Regarding claims 6 and 13, Seligmann teaches a video processor (410) in connection to the images of the participants. See col. 9, lines 20-33.

Regarding claims 7 and 14, Seligmann teaches an actual virtual conference room portion (510) or a video presentation portion (530) and option icon portion (520) for selecting conference options. See col. 9, lines 67 and col. 10, lines 1-3.

Regarding claims 9 and 16, Seligmann teaches that a participant may select a context for a virtual conference including the use of voice activated actuations. See col. 4, lines 41-43.

Regarding claims 11 and 19, Seligmann teaches a server (170) establishing communication with all identified participants. See Fig 12, lines 17-25.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. 6,119,147 to Toomey et al.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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December 14, 2004

  
**XIAO WU**  
**PRIMARY EXAMINER**